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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,031	10/27/2000	Michael L Obradovich	40985/DMC/C685	6778

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/699,031

Applicant(s)

OBRADOVICH, MICHAEL L

Examiner

Baoquoc N. To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) 3-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/28/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. Claims 1-2 and 22 are amended and claims 3-21 are canceled in the amendment filed on 03/28/2005. Claims 1-2 and 22-29 are pending in this application.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 26 recites the limitation "the external server" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "the external server" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-2 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKock et al. (US. Patent No. 6,466,862 B1) in view of Nakano et al. (US. Patent No. 6,334,087 B1).

Regarding on claim 1, DeKock teaches a method, using a personal computer device having a GPS receiver, of populating a database comprising:

determining, by the personal computer device using its GPS receiver, a location at which the personal computer device becomes relatively immobile (col. 12, lines 3-7);

transmitting, by the personal computer device, information regarding the location at which the personal computer device becomes relatively immobile to a server (col. 12, lines 7-10);

receiving, by the personal computer device, information regarding the location from the server (col. 12, lines 10-13); and

DeKock does not explicitly teach requesting, by the personal computer device, that the server store the in a database associated with a user of the personal computer device. However, Nakano teaches requesting, by the personal computer device, that the server store the information in a database associated with a user of the personal computer device (the server stores the map as same map requested as displayed on the user device so that when there is an update the automation process will update the map currently displaying on the user device) (col. 22, lines 16-22). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify DeKock's system to include storing the requested map at the server same as

the terminal as taught by Nakano to in order to provide the profile of the request for later when the client decide to use the same map.

Regarding on claim 2, DeKock teaches a method of populating a database recited in claim 1 wherein determining a location at which the personal computer device becomes relatively immobile comprises:

Evaluating the position of the personal computer device using the GPS receiver (col. 5, lines 6-36);

Waiting a pre-selected period (col. 5, lines 6-36);

Reevaluating the position of the personal computer device using the GPS receiver (col. 5, lines 6-36); and

Determining if the position of the personal computer device before and after waiting the pre-selected time period is substantially the same (col. 5, lines 6-36)

Regarding on claim 26, Presnell teaches the method cited in claim 1 wherein the information from the external server comprises an address of the location (col. 22, lines 56-65).

Regarding on claim 27, Presnell teaches the method recited in claim 1 wherein the information from the external server comprises the name of a business (col. 22, lines 56-65).

Regarding on claim 28, DeKock teaches the method recited in claim 1 further comprising providing, by the personal computer device, an input screen to allow for input of information by the user (display) (col. 12, lines 14-18).

Regarding on claim 29, DeKock teaches the method recited in claim 28 wherein the information provided to the remote computer system includes the information input by the user (user requests) (col. 12, lines 44-46).

5. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al (US. Patent No. 5,754,938) in view of Presnell et al. (US. Patent No. 6,182,067 B1).

Regarding on claim 22, Herz teaches a method of accessing data in a database using a profile, the data comprising an indication of a geographic location and information regarding the geographic location, the method comprising:

Receiving a request for data from a database (col. 5, lines 23-26);

Forming search criteria for a search of the database, the search criteria including details of the request for data and details of a profile identified by the profile identification (col. 5, lines 23-26); and

Locating data fulfilling the search criteria (col. 5, lines 23-26).

Herz teaches the searching and filtering system, which utilizes multiples profiles interested by the users (col. 5, lines 23-26). Herz does not explicitly teach receiving a profile identification associated with the request for data from the database, the profile identification identifying a profile, the profile being associated with a user, the user having multiple profiles associated with user the multiple profiles including a profile including information about the user and a copied profile, the copied profile being a modified copy of another profile associated with the user, the copied profile being, when

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crated, a copy of another profile associated with the user. On the other hand, Presnell teaches receiving a profile identification associated with the request for data from the database, the profile identification identifying a profile, the profile being associated with a user, the user having multiple profiles associated with user the multiple profiles including a profile including information about the user and a copied profile, the copied profile being a modified copy of another profile associated with the user, the copied profile being, when crated, a copy of another profile associated with the user (col. 18, lines 4-16). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Herz's system to include user profiles including copy of the modified profile as taught by Presnell in order to allow user to use the one registered profile to retrieve data reducing the time creating the search profile.

Regarding on claim 23, Herz teaches the user information includes a user age (age) (col. 4, lines 47-67).

Regarding on claim 24, Herz teaches the profile includes items identified as favorites of the user (target object) (col. 4, lines 47-67).

Regarding on claim 25, Herz does not explicitly teach receiving a request for modification of details of a profile, and modifying the profile in response to the request for modification of details of the profile. However, Presnell teaches receiving a request for modification of details of a profile, and modifying the profile in response to the request for modification of details of the profile (col. 18, lines 4-16). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Herz's system to include modifying the details of the profile as taught by

Presnell in order to allow the system to retrieve the data based on the different parameters which changes in the profile.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:


(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

Baoquoc N. To

June 7, 2005



**JEAN M. CORRIELUS**  
**PRIMARY EXAMINER**